IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 756/2006

SHIV NARAIN Vs. STATE OF RAJASTHAN & ORS.

DATE: 12.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rajesh Sharma for the complainant-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. S.C. Kumawat for the accused-respondents.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the complainant-petitioner against the order dated 29.06.2006 passed by the Additional Sessions Judge, Shahpura, District Jaipur in Criminal Revision No. 77/2005, whereby the Revisional Court while allowing the criminal revision filed by the accused-respondents, quashed and set-aside the order dated 20.07.2005 passed by the Judicial Magistrate First Class, Virat Nagar, District Jaipur in Criminal Case No. 174/2005, whereby the trial Court took cognizance against the accused-respondents for the offence under Sections 147, 447 IPC.

Having heard rival submissions of the respective parties and after going through the order passed by the trial Court dated 20.07.2005 and the

order passed by the Revisional Court dated 29.06.2006 and upon careful perusal of the relevant record, it appears that the Revisional Court without assigning any reason as to why there is illegality and error apparent in the order of the trial Court, has interfered with the order dated 20.07.2005 passed by the trial Court and quashed and set-aside the same. The trial Court after appreciating the evidence of the witnesses, documents exhibited and the material available on record, has rightly taken cognizance against the accused-respondents for the offence under Sections 147, 447 IPC observing that prima-facie case is made out against the accused-respondents for the aforesaid offences.

Thus, the order dated 29.06.2006 passed by the Revisional Court suffers from serious illegality apparent on the face of the record, which is required to be interfered with by this Court while exercising revisionary powers.

Consequently, the impugned order dated 29.06.2006 passed by the Additional Sessions Judge, Shahpura, District Jaipur is herewith quashed and set-aside and the order dated 20.07.2005 passed by the Judicial Magistrate First Class, Viratnagar, District Jaipur is upheld.

The revision petition stands allowed accordingly.

Record be sent back forthwith.

(K.S. RATHORE),J.

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